

ORIGINAL

cc: LEK/KJM/π

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF Hawaii
_____ DIVISION

(Write the District and Division, if any, of
the court in which the complaint is filed.)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 11 2020

at 4 o'clock and 00 min. P M
SUE BEITIA, CLERK

Lucretia Velvet Henry

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Robert L. Wilkie, Secretary of Veterans Affairs
(Government Agency)

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

**Complaint for Employment
Discrimination**

CV20 00070 LEK KJM
Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Lucretia Velvet Henry
Street Address	1003 Puakala Street
City and County	Honolulu, Honolulu
State and Zip Code	Hawaii 96818
Telephone Number	(808) 753-4261
E-mail Address	Lucretiavb@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Robert L. Wilkie
Job or Title (if known)	Secretary of Veterans Affairs (Government Agency)
Street Address	Pacific Island Health Care System, 459 Patterson Road
City and County	Honolulu, Honolulu
State and Zip Code	Hawaii 96819
Telephone Number	(808) 433-0100
E-mail Address (if known)	William.Dubbs@va.gov

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 3

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 4

(Government Agency) Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	Department of Veterans Affairs (459)
Street Address	Pacific Island Health Care System, 459 Patterson Road
City and County	Honolulu, Honolulu
State and Zip Code	Hawaii 96819
Telephone Number	(808) 433-0100

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (*specify the federal law*):

- ☐ Relevant state law (*specify, if known*):

- ☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Statement of Claim

This is for three cases and (2) complaints that I have against the Department of Veterans Affairs, Pacific Island Health Care System, Honolulu, Hawaii. I received a final order from the EEOC stating that filing with this court is an option. I received the final order for one of my cases in November 2019. I am an African American female over 40 years old, 100% disabled veteran, PsyD Student, Masters' degree in Marriage and Family Therapy and Masters degree in Human Services with emphasis in Mental Health Counseling, served in the United States Marine Corps for 11 ½ years. Please note that all of these cases are relevant and build on each other. I am filing discrimination (age, race, color, gender, disability, and reprisal) against the Department of Veterans Affairs, Robert L. Wilkie, Secretary of Veterans Affairs (this name was required from document from the EEOC) Honolulu, Hawaii.

Case# EEOC NO. 480-2017-00631X concerning complaint 200P-0459-2016102653

Daily, August 2016- February 2018, I was subjected working in a hostile work environment generated by my co-workers and left there by my VA leadership after requesting immediate transfer several times. I was left there because I am an African American female veteran (discrimination of race, and color). I know of people that were allowed reassignment who are not African American. I was denied promotion from this office as well, several jobs that I applied for were given to external candidates which goes against the bargaining agreement at VA Pacific Island Health Care System. My co-workers isolated me from work, made fun of me on emails that I was "cc'd" on. The lead credentialer made me correct mistakes of other workers and treated me differently from the other workers, she often did their work for them. I was falsely accused of leaving work undone and was given extra work but not allowed extra time to do the work. My co-workers talked about race and color (people being dark) when I specifically asked them not to. I was assigned the lead credentialer's work when she had adequate time to complete it. They hid folders so that I could not do my work. Irasema was always yelling, and there was yelling to try to trigger me to act juvenile like them. They demeaned my work ethic and targeted me and getting my job. This was emotionally distressful for me. I took off time from work without pay for my therapy appointments and sometimes just to be out that hostile environment.

Asomuamua Amina – coworker Samoan Female

Irasema Duarte – coworker Spanish female

Santina Wahl – coworker Caucasian female

Dr. William Dubbs – supervisor Caucasian male

Program Specialist GS-11 Vacancy Non-selection of job. Job was given to external applicant who sat on the interview panel. The senior interview panelist was very impressed with my interview, but he was not the same senior panelist for the other interview candidates. Neither did he make the selection.

April Seghorn (Caucasian female) made the selection.

Kristin Nakasato (Asian female) Panel member who was also my manager aware of the hostility and my dislike of race and color being used to describe people.

Selectee: Haywood Pittman African American male who was also an interview panelist and external candidate.

There were (2) vacancies. The other candidate was Asian female

Case# EEOC No. 480-2019-00262X concerning complaint 200P-0459-2017103148

August 2016-February 2018, Harassment / Hostile Work Environment and forced to work in an office of hostility because I am an African American female veteran over 40 years old. 5 May 2017, I was discriminated against due to race, gender, age, color, and disability and left in a hostile work environment after pleading to be reassigned immediately.

The women in my office bumped against me and suggested catfights. I shared with leadership that I was concerned about my safety and the emotional distress, fear and anxiety that I was going through but they didn't care. Due to the emotional distress and fear I was diagnosed with adjustment disorder and anxiety disorder. Again, I requested to Dr. Dubbs that I needed to be reassigned because I'd become a mental patient from the emotional distress and anxiety but he continued to say no. Dr. Ryder chose not to hear what actually happened but counseled me because of the lies of these three women. Leadership was aware that I was emotionally distressed but did not care.

Dr. William Dubbs, Chief of Staff (at that time) – Caucasian male

Dr. Katherine Ryder, Deputy Chief of Staff (at that time) – Caucasian female

Case# EEOC No. 480-2020-00257X, Agency No. 200P-0459-2019101630 (Claims A-D)

CLAIM A: Tyler Furukawa, Chief, Engineering Services Asian male

I was discriminated against based on age, sex, race, color, reprisal, and disability, when on November 28, 2018, I became aware that I would not been afforded the opportunity for advancement to an Engineering Technician position through the direct hire program but someone outside of our service would.

Tyler shared that a degree in Engineering is not required.

Selectee was Asian male.

CLAIM B: Michael Jackson (African American male), Assistant Chief, Health Admin Services, Rachelle Seybold (Caucasian female), Assistant Chief, Human Resources, Clara Arellano (African American female under 40), Human Resource Specialist.

I was discriminated against based on age, sex, race, color, and reprisal, when on April 12, 2019, I became aware that I was not selected for the following position; Medical Administration Specialist (Training Coordinator) CGCB-10436914-19-CDA.

HR Specialist admitted she overlooked my credentials for this job.

Selectee was Caucasian female.

CLAIM C: I was discriminated against based on age, sex, race, color, and reprisal, when on April 12, 2019 I became aware that she was not selected for the following position; Communications Specialist (MyHealththeVet Coordinator) CBCG-10406757-19-TGA.

Selecting official was Asian female.

Selectee was Asian or Caucasian male.

CLAIM D: I was subjected to discriminatory harassment/hostile work environment based on age, sex, race, color, and reprisal, when:

1. Andrew Freeman, (Caucasian male) Chief, Health Admin Services

On June 4, 2019, Complainant was not selected for the Member Services Chief position.

Selectee was not an internal applicant and Asian decent. On July 18, 2019 this lady was in this position (the name plate was on her door with this title). Now she has a different title.

2. Dr. Donald Kopf, Mental Health Psychologist, Senior Interview Panelist

On June 10, 2019, I received notification that I was not selected for the Vocation Rehabilitation Specialist position, CBCG-10489936-19-MSV. I had not even been interviewed although I was referred to the selecting official.

Selectees were of Asian or Caucasian and neither were an internal applicant (Union Agreement).

There were 2 vacancies

EEO Complaint, 200P-0459-2018105610: I was subjected to discriminatory harassment/hostile work environment based on age, sex, race, color, and reprisal, when:

On July 24, 2018, complaint was not selected for Readjustment Counseling Therapist. Selecting official said that I had to be an Olympic swimmer but that was not noted in the job announcement which is why, along with my credentials, Human Resources said I was qualified for the job. The HR Specialists gave me a copy of the OPM requirement as proof that I was qualified for that job and the Director that interviewed me was new to the station and very impressed with my interview, resume, and being a veteran. The Human Resource Assistant Chief met for an ADR for this job. I was accompanied by a union rep. The HR Assistant Chief said that

the HR Specialist forgot to add the documentation of the requirement added to this vacancy to have the recreation specialist credential. Dr. Hirsch said that I would need to be a certified Olympic swimmer. Again, I said those credentials were not mentioned in the job vacancy and I was found qualified by the HR Specialist. Rachelle said that the HR Specialist made a mistake. I said but the announcement stated nothing about a recreation specialist nor Olympic swimmer. The ORMS rep assured me that a judge will never hear this claim because I was not an Olympic swimmer although that was not a part of the job announcement. This claim is a part of the PCI that I submitted to the Judge on 8 February 2020.

Dr. Kenneth Hirsch (Retiring Director, PRRP, did not interview me) Caucasian male

Rachell Seybold, Human Resource Assistant Chief Caucasian female

Derek Love, ORMS Rep African American male

Selectee was a Caucasian male , external candidate

Health System Specialist (GHATP Trainee) I contacted Human Resources on 16 April 2019, and Office of Resolution Management on 19 April 2019. This claim was not followed up by Office of Resolution Management but I submitted it with my packet to the Judge in reference to the acknowledgement order dated 17 January 2020. There was a two part interview for this job and at the second part the Director really tried to discourage me from wanting this job but at the first part of the interviews she told me to talk to other people that had been in this job training which I did. At the first step of the interviews the director assured me that her assistant (who was on the interview panel) would mentor me in the director's absence. At a February discussion, the director said that she would not be available to mentor me. I reminded her that she'd said her executive assistant would mentor me in her absence. Please note this happened AFTER I did not settle with the VA Attorney on a pending case.

Vacancy was expired or cancelled.

Privately Owned Vehicle Tampered with January 2019 and prior to that. Police Report Attached. My co-workers discussed in our mediation sessions that "it's not like they tampered with my car. My car has scratches and paint marks on it and the gas cap was found opened several times.

More Info: I noticed that I had lost access to the public portal to see my cases on 4 Oct 2019. Strategy to keep me from seeing the activity to stay timely with required submissions and to remember certain documents that I may not just remember to submit. I contacted the Judge and IT about not being able to access the portal. The IT tech said to contact the judge. The judge never responded.

The judge said that I did not submit my opposition to summary judgement timely but it was submitted to Judge Gross January 2018 and to Judge Harward 1 July 2019, him when he asked about it. The opposition to summary judgement was submitted into the public portal again in September when I gained access to upload documents into the portal. I did not have access to review documents in the EEOC public portal system until July 2019. On 31 July 19, I asked the

judge why did I only see 50 pages of the 1100+ documents that I'd sent him by email. In the slot for the opposition to summary judgement were miscellaneous documents. The Honorable Judge Harward did not respond to that email.

I submitted my ID to the EEOC providing proof of my age (ADEA) as a part of my cases.

I served in the United States Marine Corps from July 1981 to December 1992. I was employed by the Department of the Army from November 2001 to May 2004. I have been employed by the Department of Veteran Affairs since May 2004 to present. I gave the VA my best years of my life.

I have been denied promotion for the past 10 years.

Since working with the Department of Veterans Affairs in 2004, all of my performance appraisals have been Excellent to Outstanding; with one special incentive award of \$3000 because as a GS9 I carried both my position and the GS11 position while also orienting and training a new GS6. Our lead credentialer, the GS11 was absent from work due to domestic issues overflowing to our credentialing workspace (there was tension when spouse came to the job several times).

I know of people that were allowed reassignment who were not African American. I was denied promotion from this office as well, several jobs that I applied for were given to external candidates which goes against the bargaining agreement at VA Pacific Island Health Care System. I am a well-educated African American female over 40 years old who is also a disabled veteran. I was left in an office of co-workers who caused me emotional distress and anguish, also causing vertigo triggers as from previous diagnosis because I am an African American female disabled veteran over 40 years old.

I have been relocated from that office due to my cases, but I am still denied promotion and the opportunity to work in the mental health department (reprisal, retaliation from leadership).

Very Respectfully,



Lucretia Velvet Henry

Blank

Memorandum

DEPARTMENT OF VETERANS AFFAIRS

VA Pacific Islands Health Care System

Date: September 12, 2017

To: Department of Labor

Subj: Ms. Lucretia Henry

I have known Ms. Lucretia Henry for over ten years and I serve in the capacity of a spiritual advisor to Ms. Lucretia Henry at the church where we both serve. Throughout the years, Ms. Henry has been solid in her judgment and conduct. She is very astute to her surroundings and the environment in which she serves. She has never exhibited any unorthodox or demeaning behaviors in my presence. If she knows or observes things that are not done according to standards or established protocols she will bring this to the attention of her superiors.

On July 29, 2017, I was contacted by Ms. Henry and upon further discussion she began to share the struggle she was having in the work place and how it has affected her mentally and physically. She shared how she has to endure demeaning comments on a daily basis, work sabotage, bullying and co-exist in a hostile work environment. Additionally, she is experiencing physical symptoms in the form of headaches and vertigo due to the overwhelming stress in her work environment. Ms. Henry shared she has followed established protocol by notifying her supervisor with no positive resolution happening. My purpose of writing this letter is to inform those involved with resolving this matter that I have in fact provided prayer and spiritual guidance to Ms. Henry specifically regarding this situation.

Please see attached emails supporting the abovementioned.



Evangelist Robin Sherrod
Empower 2 Prosper Ministries
City of Refuge Christian Church of Hawaii
Emp2prosper@yahoo.com
(808) 754-0652



Robin Sherrod <rsherrod01@gmail.com>

Catfight???

1 message

Henry, Lucretia V <Lucretia.Henry@va.gov> Fri, Sep 8, 2017 at 7:26 AM
To: "Watson, Ricky (ORM)" <Ricky.Watson@va.gov>, "Dubbs, William F." <William.Dubbs@va.gov>
Cc: "Ryder, Kathryn M." <Kathryn.Ryder@va.gov>, "Gutowski, Jennifer S." <Jennifer.Gutowski@va.gov>, "Ebaleroza, Allyson N." <Allyson.Ebaleroza@va.gov>, "Dung, Kristopher K." <Kristopher.Dung@va.gov>

Aloha Dr. Dubbs,

Yesterday before leaving the office Santana mentioned there being a "catfight" today between Iris and I because of the emails from yesterday where I was sharing with Iris about a mistake she'd made that could have affected the facility. I thought of it as a teaching moment but we know that Iris don't even talk to me muchless wants to be corrected by me but as "acting lead" while Asonma is out, I have this responsibility among other added responsibilities.

I have previously shared that I'm concerned about my safety in this office and I'm sharing it again now. These women cover for each other in everything so if something were to happen they would attempt to make me look like guilty party, they did it in all of the mediations because they met before the mediations to compare notes with each other. They don't think they need help.

I am concerned about my safety in this office. Every time I've corrected Iris about anything Asonma always retaliates against me an it's by bullying me with my work load or looking for mistakes I made about a year ago or more concerning a file. The last time the mistake wasn't my mistake it was Santana's and it was obvious as I analyzed the file which is why Asonma suggested that I rush and correct the error.

I had another vertigo episode last night due to the stress of this office. The last one was on 19 August 2017, before that I had not had one since 2012. As medical professionals we know that stress wears on the body and the mind which is why I'm presently a mental patient.

Yet I'm still working in these hostile conditions because I'm black. When Asonma and Iris were caught yelling and "going off" on Santana the situation was addressed promptly. The 5 or 6 mediation sessions we sat through did not work because everyone was not honest.

Saying this office is not a hostile work environment doesn't change it from being one.

Asking who's at fault of the hostile work environment I found to be a very interesting question and I guess my honest answer that it's both management and my co-workers in the office rather than just saying my co-workers made a big difference for a negative result.

Nov. 7. 2017 8:33AM

Gmail - Catfight???

No. 2529 P. 57

Page 2 of 2

I don't know what's in store for today other than me checking in with my physician about the vertigo episode and getting my work done for today as I know this email is deaf ears.

Thanks in Advance,

Lucretia V. Henry, MS, MA

Medical Staff Office

Health System Specialist

Department of Veterans Affairs

459 Patterson Road (11/ Credentialing Office)

Honolulu, Hawaii 96819-1522

Wk#(808) 433-7597

Fax# (808) 433-0399

Gmail - FW: Notice of Right to File a Formal Complaint

Page 1 of 3



Robin Sherrod <rsherrod01@gmail.com>

FW: Notice of Right to File a Formal Complaint

1 message

Lucretia Henry <lucretiahb@yahoo.com>

Mon, Aug 7, 2017 at 10:07 PM

To: Evangelist Robin Sherrod <rsherrod01@gmail.com>, Robin Sherrod <rsherrod01@hotmail.com>, Elder Tunstall INDNJC <metindnjo@hotmail.com>, Eric Tunstall <eric.tunstall@us.army.mil>, "dedw1408@gmail.com" <dedw1408@gmail.com>, Edwards Denise <dedw1408@yahoo.com>, Sharon Holly <shadia55@aol.com>, "Sharon D. VBAHONO Holly" <sharon.holly@va.gov>
 Cc: jacksonr026 Elder Jackson <jacksonr026@hawaii.rr.com>

Grace and Peace Elder Tunstall, Evangelist Sherrod, Evangelist Edwards, and Evangelist Holly,

I am sharing his email that I received Friday from Office of Resolutions Management. I was surprised to get this email because a previous packet that I'd received from them around March 2017 said that a next step if I wasn't satisfied with the mediation process, would be a trial in reference to the binder of emails that I have from incidents of these women being hostile towards me.

This document is in addition to a case that I already have with Office of Resolution Management. We have had several mediations (about 5) but these women always lie and attack me in the mediations that they were allowed to attend. I have requested transfer from this department several times but I'm still there. I have applied for other jobs but HR said that my boss has instructed them to not allow us to be chosen for any other jobs, he wants to keep us together to keep passing joint commission. I remember saying that but I don't remember if I have that documented with Office of Resolution Management. It was May 2015 or May 2016, I still remember because we were getting new work stations in our office which caused me to be in HR's computer room where that information was told to me.

I have been working in this hostile work environment for about 2 years. As I shared with you, my boss has done nothing about it as he takes my work ethic for granted as we always do exceptionally well on Joint Commission inspections. He don't want to let me go but he's not protecting me from these mouthy, opinionated, liars (my co-workers). My co-workers have targeted me and my job and the things listed in this complaint are all true, they sabotage my work, they isolate me from informational conversations concerning work; they say in front of me that they keep me out so that quality work is produced. I am the only African American in my office. My boss walked in on the other two women yelling at the third woman who is Caucasian and he dealt with it immediately but when I shared about them harassing me he did nothing. He said we should be able to talk things out.

I've changed my meditation so the anxiety is no longer driving me and I'm singing more in the house and at work.

Something that stands out to me is that my mental health counselor is a Christian lady that I took classes with at Wayland University. I didn't choose her as a counselor, she was chosen for me, just so happens I know her.

Gmail - FW: Notice of Right to File a Formal Complaint

Page 2 of 3

My focus is to get out of Egypt. I'm even forgiving as I go to stay free from vengeance. I'm still trusting somehow Moses is going to help Pharaoh see my heart and let me go and until that happens I must set my affections on things above, nose dive into God's Word to stay sane. I've done nothing to these women but encouraged them and shared Jesus when the opportunity presented itself so I am having a faith issue telling God that I believe and asking Him to help my unbelief. Somehow it has to work together for my good.

I haven't swayed from our conversations, I wanted to share this email cause I just got it on Friday and to show how bad it has gotten cause it's been going on for so long.

I Appreciate the Christ in You All and Thanks for listening and praying for me and my family.

Sis. Lucretia

Grace and Peace

Sent from Mail for Windows 10

From: Creley, Karen (ORM)
Sent: Friday, August 4, 2017 12:51 PM
To: 'lucretiab@yahoo.com'
Subject: RE: Notice of Right to File a Formal Complaint

I apologize for the second email but I was just reviewing your case and I noticed I didn't get a sign form that you agreed to receive you correspondence by mail. I have attached that form here please sign and return it to me as soon as you can.

Thank you!

Have a great weekend

From: Creley, Karen (ORM)
Sent: Friday, August 04, 2017 3:46 PM
To: 'lucretiab@yahoo.com'
Subject: Notice of Right to File a Formal Complaint

Good afternoon,

I am attaching the notice of right to file a formal (NORF) complaint package.


To file a formal complaint, you must complete the VA Form 4939 (Complaint of Employment Discrimination) that is attached to this e-mail notice **WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**

You may file a formal complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

District Manager
Department of Veterans Affairs
Office of Resolution Management (ORH)
11301 Wilshire Boulevard
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax (310) 268-4089
E-Mail: ORMPDO4939@va.gov

Please be advised that the claim(s) listed in the notice were the only claim(s) addressed during the informal EEO counseling. If a formal Complaint of Discrimination is filed, a claim that has not been brought to the attention of an EEO counselor and is not like or related to a claim that has been brought to the attention of an EEO counselor is subject to dismissal in accordance with CFR 1614.107(2).

If you have any questions or need additional information regarding the content of this e-mail, you may contact me at (888) 566-3982, Ext. 10016.

 200P-0459-2017103148ESD Form Revised.pdf
278K



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

In reply refer to: 08H

October 18, 2016

VIA: Regular Mail

Lucretia Henry
5080 Likini Street Apt. 818
Honolulu, HI 96818

SUBJECT: Notice of Partial Acceptance and Amendment Request of your EEO Complaint No. 200P-0459-2016102653, filed July 8, 2016, against officials of the Pacific Island Healthcare System in Honolulu, HI

1. On March 11, 2016, you initiated contact with an EEO counselor. Counseling concluded on June 8, 2016, when you were mailed the *Notice of Right to File a Discrimination Complaint*, which you received on June 29, 2016. On July 8, 2016, you filed a formal complaint of discrimination, VA Form 4939. On September 26, 2016 and September 27, 2016, you submitted emails to clarify your claim. On October 3, 2016, you requested an amendment to your claim via email.

2. On your formal filing, you allege a claim based on your performance evaluation on **December 1, 2015**.

EEO regulations require that an agency dismiss a complaint where the complainant has raised the same matter in a negotiated grievance procedure that permits allegations of discrimination, and the complainant has elected to pursue the non-EEO process. In this case, the issue of "Performance Evaluation" was raised in a negotiated union grievance on January 13, 2016, which was before the July 8, 2016 date of the formal complaint in this case, and the claim is therefore subject to dismissal in accordance with **29 C.F.R. § 1614.107(a)(4)**, for raising the same matter in a negotiated grievance procedure.

Additionally, your initial contact with an EEO counselor was on **March 11, 2016**. Because that claim was not raised **within 45 days** of the occurrence, it is therefore also **DISMISSED** pursuant to **29 C.F.R. §1614.107(a) (2)** for failing to comply with the regulatory time limits.

There is no immediate right to appeal the dismissed portion of the complaint. You will have the right to appeal the partial dismissal once final action is taken by the agency on the remainder of the complaint.

3. On September 26, 2016 and September 27, 2016, you clarified your complaint with additional events, **events 1 - 5**; and on **October 6, 2016**, you requested an amendment to your complaint with an additional **event, event 6**, as outlined below that occurred after filing your formal complaint.

Equal Employment Opportunity Commission (EEOC) regulation 29 CFR 1614.107(a)(2), in

part, requires the dismissal of claims that raise matters that have not been brought to the attention of a counselor and are not like or related to the matter that has been brought to the attention of a counselor. The requirements for deciding if a claim is considered like or related to the original complaint are: 1) whether the new claims clarifies the original complaint, and 2) if the new claims could have reasonably been expected to have grown out of the initial complaint that was raised during counseling. We believe the additional events are like or related and/or inextricably intertwined with the events identified during counseling. We believe the additional events support your claim of a hostile work environment. Additionally, the same management officials are involved in both the counseled events, and the subsequent events. Accordingly, the additional events will be identified in your hostile work environment claim below.

4. Your complaint of discrimination raises the following claim:

Whether complainant was subjected to a hostile work environment based on Race (Black) and color (Black) as evidenced by the following events:

- 1) On August 24, 2015, Asomuamua Amina (AA), Medical Staff Coordinator, accused the complainant of un-submitting a provider's file.
- 2) On August 4, 2016, AA overwhelmed the complainant with other people's workload and AA was also treating the complainant differently from her coworkers.
- 3) On August 17, 2016, AA overwhelmed the complainant's workload.
- 4) On August 24, 2016, while AA was on leave the Lead Clerk was tracking the complainant's workload and assigning her extra work.
- 5) On September 22, 2016, during a 'huddle' meeting, the complainant was accused of claiming that a provider was a racist because he did not hire black people.
- 6) On October 3, 2016, the complainant was notified of her non-selection for the position of Program Specialist, vacancy announcement no. HO-16-DLA-1735851-BU with the Pacific Island Healthcare System in Honolulu, HI.

Event 6 constitutes a timely raised independently actionable claim that is hereby ACCEPTED for investigation. This event is sufficiently related to the overall pattern of harassment and will also be included for consideration in the analysis of the harassment claim.

5. In assessing a hostile environment claim, the totality of the circumstances must be examined, including (1) the frequency of the discriminatory conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or a mere offensive utterance; and (4) whether it unreasonably interferes with an employee's work performance. A hostile environment claim generally requires a showing of a pattern of denigrating conduct that

unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. In determining whether harassment is sufficiently severe or pervasive to create a claim of hostile environment, the harasser's conduct is evaluated from the objective standpoint of a reasonable person. An objectively hostile or abusive work environment is created only when a reasonable person would find it hostile or abusive.

We have determined your claim of harassment passes the severe or pervasive requirement and is ACCEPTED for investigation and further processing as it includes events and/or actions taken against you by your supervisor that establish a pattern of conduct that a reasonable person would find creates a hostile environment and interferes with job performance.

6. In summary, event 6 has been accepted for investigation as an independent claim and your overall claim of hostile work environment (events 1 – 6) is accepted for investigation.

7. If you believe that the accepted claim is improperly formulated, incomplete, or incorrect, you must notify this office within **7 calendar days** of receipt of this letter, in writing, by mail or fax, stating your disagreement. We will include your statement in the complaint file. If you do not contact this office within **7 calendar days**, we will assume that the claim is correctly stated.

8. On **October 3, 2016**, you requested an amendment to your complaint. As a result, the time frame for completion of the investigation is adjusted. **The agency must complete its investigation within the earlier of 180 calendar days after the last amendment to the complaint or 360 calendar days after the filing of the original complaint.** ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek a mutual agreement to extend the period so that the investigation can be completed before you seek an EEOC hearing or a final agency decision (FAD) from OEDCA. Your right to elect an EEOC hearing or an agency FAD remains the same.

9. We will assign the accepted claim to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. The investigator is only authorized to investigate the claim specified.

10. You have additional rights that are fully explained in the enclosure to this letter.

11. **Failure to keep this office advised of any change of address could lead to dismissal of your complaint.** You must also immediately advise this office, in writing, of the name, address, and telephone number of any person you may choose to represent you. If you advise us of representation, we will mail all subsequent complaint-related correspondence to your representative, with copies to you, unless you advise us, in writing, that you are no longer represented by that individual.

Page 4
Notice of Partial Acceptance and Request for Amendment
Lucretia Henry
200P-0459-2016102653

12. If you have any questions, please contact Ricky Watson, Case Manager at ricky.watson@va.gov.

Sincerely,

Paul Maraiian

PAUL MARAIAN
Pacific District Manager

Enclosure: Complainant Rights

cc: Facility Director
Facility EEO Program Manager

000538



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

August 4, 2017

In reply refer to: (08H)

VIA: Email

Lucretia Henry
5080 Likini Street Apt. 818
Honolulu, HI 96818

Dear Ms. Henry:

I am closing the informal counseling on the matter you presented to this office on May 9, 2017, Case Number: 200P-0459-2017103148. Your complaint is as follows:

Bases	Dates of Occurrence & Claims
Race (Black) Color (Black) Reprisal (EEO) Disability (Mental)	Harassment /Hostile Work Environment <ul style="list-style-type: none">May 5, 2017: Received a verbally counseled for not completing a review of one doctors credentials Undetermined Date received information after mediation failed <ul style="list-style-type: none">Co-workers allegedly whisper to each other about the Aggrieved Party (AP)Co-workers allegedly sabotage AP work.Co-workers isolate her like she isn't even thereCo-workers allegedly yell, send mean and rude email to the AP

Upon receipt of this letter please notify me no later than 5 business days whether the above information is incorrect.

I have enclosed a copy of the Notice of Right to File a Discrimination Complaint (including VA Form 4939). At this point, you have two options available to you. To help you make your decision, I have also enclosed a link to the Equal Employment Opportunity Commission's (EEOC) website for an overview of the guidelines on the federal sector EEO complaint process. <http://www.eeoc.gov/federal/>

Please select one of the options below as your final decision:

Option 1: You can choose to file a formal complaint of discrimination on some or all of the claim(s) listed above. If you wish to file a formal complaint, please complete, sign, and date the VA Form 4939; returning the form to the address listed on the *Notice of Right to File a Discrimination Complaint*.

If you decide to file a formal complaint, you have 15 calendar days from receipt of this notice in which to do so. Please do not mail the VA Form 4939 to me; your formal complaint must be mailed to the address listed on the first page of the enclosed *Notice of Right to File a Discrimination Complaint*.

Upon receipt of a formal complaint, the Office of Resolution Management (ORM) will review your complaint and determine if the claim(s)¹ raised meet(s) EEOC's procedural requirements for continued processing.

If your complaint meets procedural requirements and is accepted by ORM for investigation, you will be given the opportunity to submit any documentation in support of your allegations of discrimination to the ORM investigator assigned to investigate your complaint, as part of the process for gathering evidence relevant to the merits of your accepted claim(s). There is no need to provide evidence in support of your claim(s) until notified that your claim(s) is accepted for investigation.

Option 2: You can take no further action, indicating your wish not to pursue the allegations listed above any further.

6. If you have any questions, please contact Karen Creley, EEO Specialist at (888) 566-3982 [Option 1] x 10016.

Sincerely,



Karen Creley
EEO Counselor

Enclosure: Notice of Right to File a Discrimination Complaint
VA Form 4939

¹ A claim is the action(s) the Agency has taken or is taking that causes the aggrieved person to believe s/he is the victim of discrimination for which, if proven, there is a remedy under the federal equal employment statutes. It is important to limit your description of the specific claim(s) to one or two sentences.



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

In reply refer to: 08H

October 17, 2017

VIA: E-mail Lucretia.henry@va.gov

Lucretia Henry

SUBJECT: Notice of Acceptance and Amendment of your EEO Complaint No. 200P-0459-2017103148, filed August 8, 2017, against officials of the Pacific Island Health Care System in Honolulu, HI

1. On May 9, 2017, you initiated contact with an EEO counselor. Counseling concluded on August 4, 2017, when you were mailed the *Notice of Right to File a Discrimination Complaint*, which you received on August 4, 2017. On August 8, 2017, you filed a formal complaint of discrimination, VA Form 4939. On **September 11, 2017, September 26, 2017, October 6, 2017 and October 10, 2017** you amended your formal complaint via emails.

2. On **September 11, 2017, September 26, 2017, October 6, 2017 and October 10, 2017**, you requested an amendment to your complaint with additional events that occurred after filing your formal complaint. Equal Employment Opportunity Commission (EEOC) regulation 29 CFR 1614.107(a)(2), in part, requires the dismissal of claims that raise matters that have not been brought to the attention of a counselor and are not like or related to the matter that has been brought to the attention of a counselor. The requirements for deciding if a claim is considered like or related to the original complaint are: 1) whether the new claims clarifies the original complaint, and 2) if the new claims could have reasonably been expected to have grown out of the initial complaint that was raised during counseling.

We believe the additional events are like or related and/or inextricably intertwined with the events identified during counseling. We believe the additional event supports your claim of a hostile work environment. Additionally, the same management officials are involved in both the counseled events, and the subsequent events. Accordingly, the additional events will be identified in your hostile work environment claim below.

3. Your complaint of discrimination raises the following claim:

Whether complainant was subjected to a hostile work environment based on race (Black), color (Black), disability and reprisal (EEO activity) as evidenced by the following events:

- 1) From May 5, 2017, thru October 10, 2017, the Complainant was subjected to harassment to include but not limited to the following: Kathryn Ryder (KR), Deputy Chief of Staff, verbally counseled the complainant for not

000057

completing a review of one doctors credentials; KR accused the complainant of missing a provider's name on a spreadsheet; the complainant's co-workers are not allowed to communicate with her; the complainant's co-workers are allowed to whisper to each about her, sabotage her work, isolate her, yell at her and send her unprofessional emails; the Lead Credentialed has deleted the complainant's work; the complainant has reported to her leadership that she is concerned for her safety in her office however leadership has failed to take corrective action; the complainant's co-workers are gossiping and spreading rumors about their mediation sessions.

- 2) On or about September 4, 2017, the complainant was assigned two additional tasks that belonged to the lead credentialed, however William Dubbs, Chief of Staff did not allow her to work outside of her tour.

Event 2 constitutes a timely raised independently actionable claim that is hereby **ACCEPTED** for investigation. This event is sufficiently related to your claim of hostile work environment.

4. In assessing a hostile environment claim, the totality of the circumstances must be examined, including (1) the frequency of the discriminatory conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or a mere offensive utterance; and (4) whether it unreasonably interferes with an employee's work performance. A hostile environment claim generally requires a showing of a pattern of denigrating conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. In determining whether harassment is sufficiently severe or pervasive to create a claim of hostile environment, the harasser's conduct is evaluated from the objective standpoint of a reasonable person. An objectively hostile or abusive work environment is created only when a reasonable person would find it hostile or abusive.

We have determined your claim of harassment passes the severe or pervasive requirement and is **ACCEPTED** for investigation and further processing as it includes events and/or actions taken against you by your supervisor that establish a pattern of conduct that a reasonable person would find creates a hostile environment and interferes with job performance.

5. In summary, **event 2** has been accepted for investigation as an independent claim. Your overall claim of hostile work environment (events 1- 2) is accepted for investigation.

6. If you believe that the accepted claim is improperly formulated, incomplete, or incorrect, you must notify this office within **7 calendar days** of receipt of this letter, in writing, by mail or fax, stating your disagreement. We will include your statement in the complaint file. If you do not contact this office within **7 calendar days**, we will assume that the claim is correctly stated.

7. We will assign the accepted claim to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. The investigator is only authorized to investigate the claim specified.

8. You have additional rights that are fully explained in the enclosure to this letter.

9. **Failure to keep this office advised of any change of address could lead to dismissal of your complaint.** You must also immediately advise this office, in writing, of the name, address, and telephone number of any person you may choose to represent you. If you advise us of representation, we will mail all subsequent complaint-related correspondence to your representative, with copies to you, unless you advise us, in writing, that you are no longer represented by that individual.

10. If you have any questions, please contact Ricky Watson, Case Manager at ricky.watson@va.gov.

Sincerely,

Jonathan Shimkus

for

Sophia Eaves
Pacific District Manager

Enclosure: Complainant Rights

Interrogatory - Send responses via email to: Karla.Malone@va.gov, telephone number: (727) 540-3968

cc: Facility Director
Facility EEO Program Manager



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

In reply refer to: 08H

November 1, 2017

VIA: E-mail Lucretia.henry@va.gov

Lucretia Henry

**SUBJECT: Notice of Additional Evidence for Complaint of Lucretia Henry,
Case number 200P- 0459-2017103148, filed August 8, 2017**

1. This acknowledges receipt of your amendment requests, which the assigned case manager received on **October 23, 2017, October 24, 2017, and October 27, 2017**. The requests included additional evidence to support your claim of harassment as identified in your EEO discrimination complaint case referenced above. The additional evidence provided was that your co-workers have continually subjected you to a hostile work environment and that your Lead Credentialer is sabotaging your work.
2. The additional evidence will be provided to the Office of Resolution Management (ORM) investigator assigned to investigate your complaint. The investigator will contact you directly in order to obtain information or evidence your client may wish to offer. You will be provided a copy of the investigative file upon completion.
3. As a result of this notification, your right to elect an EEOC hearing or an agency FAD remains the same as outlined in the original notice of acceptance.
4. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants can realize many advantages from using ADR. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. If you are interested in using mediation to address the issues raised in the complaint, please contact the ORM Case Manager listed below or the ADR Program Manager at 888-737-3361.

Sincerely,

Jonathan Shinkus

For

Sophia Eaves
Pacific District Manager

CONFIDENTIAL DOCUMENT – GENERATED IN THE ORM COMPLAINT AUTOMATED TRACKING SYSTEM (CATS)

000065

Page 2
Notice of Additional Evidence
Lucretia Henry
200P- 0459-2017103148

cc: Facility Director
Facility EEO Program Manager



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard Building 220, 2nd Floor
Los Angeles, CA 90073

March 8, 2019

In reply refer to: 08H

VIA: Email

Lucretia Henry
lucretiavb@yahoo.com

Dear Ms. Henry:

I am closing the informal counseling on the matter you presented to this office on December 12, 2018, Case Number: 200P-0459-2019101630. Your complaint is as follows:

Bases	Claims and Dates of Occurrence
Disability (Mental), Disability (Physical), Race (Black), Reprisal (EEO), Sex (Female)	Promotion/Non-Selection - Aggrieved Party (AP) Ms. Lucretia Henry claims she has been subjected to discrimination because she was not afforded the opportunity for advancement in her department. AP stated the following in support of her claim: November 28, 2018, AP was informed a male in the department was offered the position of Engineering Technician as a direct hire. AP was then told the position was no longer available.

Upon receipt of this letter please notify me no later than 5 business days whether the above information is incorrect.

I have enclosed a copy of the Notice of Right to File a Discrimination Complaint (including VA Form 4939). At this point, you have two options available to you. To help you make your decision, I have also enclosed a link to the Equal Employment Opportunity Commission's (EEOC) website for an overview of the guidelines on the federal sector EEO complaint process. <http://www.eeoc.gov/federal/>

Please select one of the options below as your final decision:

Option 1: You can choose to file a formal complaint of discrimination on some or all of the claim(s) listed above. If you wish to file a formal complaint, please complete, sign, and date the VA Form 4939; returning the form to the address listed on the *Notice of Right to File a Discrimination Complaint*.

If you decide to file a formal complaint, you have 15 calendar days from receipt of this notice in which to do so. Please do not mail the VA Form 4939 to me; your formal complaint must be mailed to the address listed on the first page of the enclosed *Notice of Right to File a Discrimination Complaint*.

Upon receipt of a formal complaint, the Office of Resolution Management (ORM) will review your complaint and determine if the claim(s)¹ raised meet(s) EEOC's procedural requirements for continued processing.

If your complaint meets procedural requirements and is accepted by ORM for investigation, you will be given the opportunity to submit any documentation in support of your allegations of discrimination to the ORM investigator assigned to investigate your complaint, as part of the process for gathering evidence relevant to the merits of your accepted claim(s). There is no need to provide evidence in support of your claim(s) until notified that your claim(s) is accepted for investigation.

Option 2: You can take no further action, indicating your wish not to pursue the allegations listed above any further.

If you have any questions or need assistance, please call me at 1-888-566-3982, Ext.10258.

Sincerely,



Kimberly Johnson
EEO Counselor

Enclosure: Notice of Right to File a Discrimination Complaint
VA Form 4939

¹ A claim is the action(s) the Agency has taken or is taking that causes the aggrieved person to believe s/he is the victim of discrimination for which, if proven, there is a remedy under the federal equal employment statutes. It is important to limit your description of the specific claim(s) to one or two sentences.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): Failure to move me from the hostile harrasment 2+ !

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) (*check one*):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- ☒ race African American
- ☒ color Black (dark skinned)
- ☒ gender/sex Female
- ☐ religion _____
- ☐ national origin _____
- ☒ age. My year of birth is 1963. (*Give your year of birth only if you are asserting a claim of age discrimination.*)
- ☒ disability or perceived disability (*specify disability*)
anxiety disorder, adjustment disorder

E. The facts of my case are as follows. Attach additional pages if needed.

~~Please see attached documents from EEOC / Office of Resolution Management.~~

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

August 2016

December 2017

March 2019

February 2020

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
- ☒ issued a Notice of Right to Sue letter, which I received on *(date)*
November 6, 2019 January 14, 2020
-

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☒ 60 days or more have elapsed.
- ☐ less than 60 days have elapsed.

STATEMENT FROM AGGRIEVED PARTY
(Where timeliness might be at issue)

Name: Lucretia V. Henry
Case No. 200-0459-2016102453
Date of Contact: 3/11/16

1) My Counselor has advised me that claims of discrimination must be raised within 45 calendar days of the event or action. I have been advised that I have raised claims, which might be untimely, and therefore require a written explanation of the reason(s) for not contacting an EEO Counselor within the required 45 day time period.

2) My reason(s) are as follows:

Tried to resolve at lowest level - unsuccessful (4 Dec 15)
Tried to resolve at next level - Dir. Refused to
meet w/ myself and EEO Rep (14 Jan. 16)
Wanting to resolve Dir. resigned.
I expressed concern for time lapsed but
no action was taken by EEO & union. (please
read enroute attachments.

3) I have have not participated in the EEO process before. (Circle One)

Aggrieved

Date



Office of Resolution Management

Department of Veterans Affairs

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2016102653

1. If you are not satisfied with the results of the informal EEO process and believe that you have been subjected to discrimination because of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you have the right to file a formal complaint of discrimination. If you decide to file a formal complaint, you must do so **WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE**.
2. Attached is VA Form 4939, Complaint of Employment Discrimination. If you choose to file a formal complaint at this time, use this form, and carefully read the instructions on the reverse side before completing it. The counselor is available to assist you in filling out this form and to answer any questions you may have about it. If you require assistance, please contact your counselor immediately. Please note that the 15-calendar day time frame will not be extended due to your need to seek my assistance in completing this form.
3. You may file a complaint in person, by mail, fax, or e-mail with the District Manager or with the Deputy Assistant Secretary for Office of Resolution Management (DAS/ORM). Their addresses are listed below:

District Manager
Department of Veterans Affairs
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Boulevard
Building 220, 2nd Floor
Los Angeles, CA 90073

Deputy Assistant Secretary (08)
Office of Resolution Management (ORM)
810 Vermont Avenue, NW
Washington, DC 20420

Fax: 310-268-4089

E-Mail: OrmPacificDistrict@va.gov

CONFIDENTIAL DOCUMENT - GENERATED IN THE ORM COMPLAINT AUTOMATED TRACKING SYSTEM
(CATS) - 9-24-2015

Page 4.
Notice of Right to File a Discrimination Complaint
Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2016102653

If you file a complaint with the DAS/ORM, you must also provide a copy to this ORM District Office. Failure to provide a copy to this ORM District Office will only delay the processing of your complaint.

4. You must identify each claim you are protesting and provide the date on which each occurred. Your complaint must be limited to the claim(s) you discussed with the counselor. Therefore, if there are any claims that you have not discussed with the counselor, you must do so immediately. Regulations require that you provide the Department with an opportunity to resolve each claim informally at EEO counseling.
5. You are entitled to representation at every stage of the complaint process. You may choose anyone as a representative, unless the person occupies a position within VA that would create a conflict of interest. If you do select a representative, you must inform this ORM District Office, in writing, of the representative's name, telephone number, and business address.
6. If you are a member of the bargaining unit, you may have the right to dispute the events discussed with the counselor through the union grievance procedure. Regulations provide that you may file either a grievance or an EEO complaint about the events in dispute, but not both. Should you file both, whichever you file first (a union grievance or an EEO complaint) will be considered an election to proceed in that forum.
7. If you are complaining about a matter that may be appealed to the Merit Systems Protection Board (MSPB), you may file an EEO complaint or an MSPB appeal, but not both. Whichever you file first (a formal EEO complaint or an MSPB appeal) will be considered an election to proceed in that forum. If the counselor can be of further assistance to you, please advise.

DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF EMPLOYMENT DISCRIMINATION COMPLAINT ADJUDICATION
WASHINGTON, D.C. 20420

Lucretia Henry,)
)
<i>Complainant,</i>)
)
v.)
)
Secretary,)
Department of Veterans Affairs,)
)
<i>Agency,</i>)

VA Case No. 200P-0459-2017103148

EEOC Case No. 480-2019-00262X

FINAL ORDER

It is the final action of this Department in the above-referenced matter to accept and fully implement the attached decision of the EEOC administrative judge.

If dissatisfied with this final action, the complainant may appeal or file a civil action as set forth below.

RIGHT OF APPEAL

Within 30 days of receipt of this final action, the complainant has the right to appeal it to: **Equal Employment Opportunity Commission, Office of Federal Operations, P.O. Box 77960, Washington, DC 20013.** If an appeal is filed, EEOC Form 573 should be used. A copy of EEOC Form 573 is attached.

A copy of the appeal to the EEOC **must** also be sent to the VA's Office of General Counsel at the following address: **Department of Veterans Affairs, Office of General Counsel (024), 810 Vermont Avenue, NW, Washington, DC 20420.**

Statements or briefs in support of the appeal **must** be submitted to the EEOC within 30 calendar days of the filing of the appeal. A copy of any such statement or brief, including any statements made on EEOC's Appellant Docketing Statement, must also be sent to the VA's Office of General Counsel at the above address.

If an appeal is filed with the EEOC, the appeal, and any subsequently filed statement or brief, **must** contain a statement certifying the date and method by which copies of these documents were served on the VA's Office of General Counsel.

If the complainant files an appeal with the Commission beyond the above-noted time limit, the complainant should provide the Commission with an explanation as to why the appeal should be accepted despite its untimeliness. If the complainant cannot explain why timeliness should be excused, the Commission may dismiss the appeal as untimely.

RIGHT TO FILE A CIVIL ACTION

The complainant also has the right to file a civil action in an appropriate United States District Court. The complainant may file a civil action:

within 90 days of receipt of this final action if no appeal to EEOC has been filed;
or

within 90 days after receipt of the EEOC's final decision on appeal; or

after 180 days from the date of filing an appeal with the EEOC if there has been no final decision by the Commission.

The complainant **must** name the individual who is the official head of the Department of Veterans Affairs as the defendant. Department means the national organization, and not just the local office, facility, or unit in which the complainant works. The complainant may not name just the Department. The complainant must name **Robert L. Wilkie** as the defendant. The complainant must also state the official title of the Department head. The official title of the head of the Department of Veterans Affairs is **Secretary of Veterans Affairs**. Failure to provide the name or official title of the head of the Department may result in dismissal of the case.

If the complainant decides to file a civil action under Title VII (discrimination due to race, color, religion, sex, national origin, or reprisal) or under the Rehabilitation Act of 1973, as amended, (discrimination due to disability), and if the complainant does not have or cannot afford the services of an attorney, the complainant may request that the Court appoint an attorney to represent the complainant and that the Court permit the complainant to file the action without payment of fees, costs, or other security.

The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney does not extend the time in which to file a civil action. Both the request and the civil action **MUST BE FILED WITHIN NINETY (90) CALENDAR DAYS** of the date that complainant receives the final action from the Department or the Commission.

DEC - 3 2019

Max R. Witkin

MAXANNE R. WITKIN
Director, Office of
Employment Discrimination
Complaint Adjudication

Date

Attachment: EEOC Form 573



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Blvd., Building 220
2nd Floor, Los Angeles, CA 90073
Pacific District

In reply refer to: 08

May 13, 2019

Via: UPS Tracking Number 1ZA5V6663593626216

Lucretia Henry
1003 Puakala Street
Honolulu, HI 96818

SUBJECT: Notice of Amendment of Complaint No. 200P-0459-2019101630, Filed on March 14, 2019

1. This acknowledges receipt of an amendment request to your EEO discrimination complaint case referenced above.
2. EEO regulations permit a complainant to amend a complaint at any time before the conclusion of the investigation by adding claims that are "like or related" to those raised in the original complaint. The regulations provide that new evidence be reviewed to determine whether it: a) Provides additional evidence to support the existing claim, but does not raise a new claim in or of itself; b) Raises a new claim that is "like or related" to the claim raised in the pending complaint; or c) Raises a new claim that is not "like or related" to the claim raised in the pending complaint. A new claim or additional evidence is considered like or related to the initial complaint if it adds to or clarifies it; or could reasonably be expected to have grown out of the initial complaint.
3. The current accepted claim as indicated in your Notice of Acceptance letter dated April 19, 2019 consist of a single non-selection claim.
4. On April 12, 2019 you requested the following be amended to the existing complaint:

Whether complainant was discriminated against based on race (African American), color (dark skin), reprisal, sex (female), and age (June 1963), when on April 12, 2019 she became aware that she was not selected for the following positions; Medical Administration Specialist (Training Coordinator) CGCB-10436914-19-CDA and Communications Specialist (My HealththeVet Coordinator) CBCG-10406757-19-TGA.
5. The matters you have raised represent a new claim like or related to the original complaint. Your complaint is therefore amended as follows:

000020

Claim A: Whether complainant was discriminated against based on disability, race (African American), reprisal, sex (female), color (Black)¹, and age (June 1963)², when on November 28, 2018 she became aware that she had not been afforded the opportunity for advancement to an Engineering Technician position through the direct hire program.

CLAIM B: Whether complainant was discriminated against based on race (African American), color (dark skin), reprisal, sex (female), and age (June 1963), when on April 12, 2019 she became aware that she was not selected for the following position; Medical Administration Specialist (Training Coordinator) CGCB-10436914-19-CDA.

CLAIM C: Whether complainant was discriminated against based on race (African American), color (dark skin), reprisal, sex (female), and age (June 1963), when on April 12, 2019 she became aware that she was not selected for the following position; Communications Specialist (My HealththeVet Coordinator) CBCG-10406757-19-TGA.

6. If you believe that the amended claims are improperly formulated, incomplete, or incorrect, a written statement outlining your disagreement may be submitted. If a written statement is submitted, it will be included as part of the official record in the complaint file.

7. The amended complaint will be assigned to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. You will be provided a copy of the investigative file upon completion.

8. As a result of this notification of an amendment to your complaint, the time frame for completion of the investigation is adjusted. **The agency must complete its investigation within the earlier of 180 calendar days after the last amendment to the complaint or 360 calendar days after the filing of the original complaint.** ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek a mutual agreement to extend the period so that the investigation can be completed before you seek an EEOC hearing or a final agency decision (FAD) from OEDCA. Your right to elect an EEOC hearing or an agency FAD remain the same as outlined in the original notice of acceptance.

9. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants

¹ The complainant added the basis of color (black) in the formal complaint.

² The complainant added the basis of age (June 1963) in the formal complaint.

III. Claims and Bases

CLAIM A: Whether Complainant was discriminated against based on age, sex, race, color, reprisal, and disability, when on November 28, 2018, she became aware that she had not been afforded the opportunity for advancement to an Engineering Technician position through the direct hire program.

CLAIM B: Whether Complainant was discriminated against based on age, sex, race, color, reprisal, and disability, when on April 12, 2019, she became aware that she was not selected for the following position; Medical Administration Specialist (Training Coordinator), CGCB-10436914-19-CDA.

CLAIM C: Whether Complainant was discriminated against based on age, sex, race, color, reprisal, and disability, when on April 12, 2019, she became aware that she was not selected for the following position; Communications Specialist (My HealththeVet Coordinator), CBCG-10406757-19-TGA.

CLAIM D: Whether Complainant was subjected to discriminatory harassment/hostile work environment (non-sexual) based on age, sex, race, color, reprisal, and disability, when:

- 1. On June 4, 2019, Complainant was not selected for the Member Services Chief position, Supervisory Medical Admin Specialist, CBCG-10478014-19-CDA;**
- 2. On June 10, 2019, she received notification that she was not selected for the Vocational Rehabilitation Specialist position, CBCG-10489936-19-MSV.**

(3-1)

Investigator's Note: Claims B and C were added via a First Amendment, dated May 13, 2019. Claims D (1) and D (2) were added via a Second Amendment, dated July 2, 2019. (3-1)

IV. Review of Documents

7-15: ORM Tracking Data – this demonstrates that a search for prior EEO activity in the ORM Tracking Data revealed a total of four (4) complaints, with one (1) being the current EEO complaint.

7-19: Complainant's Resume and Application Package – this is the Complainant's resume and documents provided in her application package.

7-20: Allegations of Harassment and HWE provided by Management – these are the documents provided by the facility as the Complainant's allegations of harassment and hostile work environment.

7-21: Claim A Engineering Technician – these are all of the documents provided by the facility related to Claim A.

7-22: Claim B Medical Administration Specialist – these are all of the documents provided by the facility related to the Claim B selection process.

7-23: Claim C Communications Specialist – these are all of the documents provided by the facility related to the Claim C selection process.

7-24: Claim D-1 Member Services Chief – these are all of the documents provided by the facility related to the Claim D-1 selection process.

7-25: Claim D-2 Vocational Rehabilitation Specialist – these are all of the documents provided by the facility related to the Claim D-2 selection process.

Investigator's Note: All attachments provided by the Complainant and RMOs during their testimony have been included in the investigative file in Exhibit 7; they were not included behind each individual's testimony. Duplicates were not uploaded, for ease of review.

V. Summary

Summary

The witnesses testified to the following:

Investigator's Note: Age was calculated as of the date of the first event (November 28, 2018).

The Complainant (Disability: Mental, Age: 55 – June 1963, Sex: Female, Race: African American, Color: Black, Prior EEO Activity: Yes) was an applicant for multiple positions at the VA Pacific Islands Health Care System (VAPIHCS) located in Honolulu, Hawaii. She is currently employed as a Program Support Specialist, GS-9, for Engineering Services, at the VA Pacific Island Health Care System located in Honolulu, Hawaii. She has held this position since March of 2018 and worked at VAPIHCS for 10 years. She identified her second-line supervisor as Mr. Furukawa. She described her working relationship with Mr. Furukawa as "he's my immediate supervisor's boss." She affirmed management was aware of her age, sex, race, and color. She is aware of the facility's harassment policy. (7-1, pp. 1-3)

She identified her prior EEO activity that led to reprisal as two (2) prior EEO cases against the VA Pacific Island Health Care System. She described these as "pending" cases that have been assigned to an Administrative Judge for a hearing. She noted all cases fall under the same "umbrella of leadership." She

1963), when on April 12, 2019 she became aware that she was not selected for the following position; Medical Administration Specialist (Training Coordinator) CGCB-10436914-19-CDA.

CLAIM C: Whether complainant was discriminated against based on race (African American), color (dark skin), reprisal, sex (female), and age (June 1963), when on April 12, 2019 she became aware that she was not selected for the following position; Communications Specialist (My HealththeVet Coordinator) CBCG-10406757-19-TGA.

The following events were amended to the complaint by a SECOND Notice of Amendment letter dated July 2, 2019.

CLAIM D: Whether complainant was subjected to discriminatory harassment/hostile work environment (non-sexual) based on Race (African American), Color (Dark-Skin), Reprisal, Sex (Female), and Age when:

1. On June 4, 2019 complainant was not selected for the Member Services Chief position she applied;
2. On June 10, 2019, she received notification that she was not selected for the Vocation Rehabilitation Specialist position, CBCG-10489936-19-MSV she applied.

9. If you believe that the amended claims are improperly formulated, incomplete, or incorrect, a written statement outlining your disagreement may be submitted. If a written statement is submitted, it will be included as part of the official record in the complaint file.

10. The amended complaint will be assigned to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. You will be provided a copy of the investigative file upon completion.

11. As a result of this notification of an amendment to your complaint, the time frame for completion of the investigation is adjusted. **The agency must complete its investigation within the earlier of 180 calendar days after the last amendment to the complaint or 360 calendar days after the filing of the original complaint.** ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek a mutual agreement to extend the period so that the investigation can be completed before you seek an EEOC hearing or a final agency decision (FAD) from OEDCA. Your right to elect an EEOC hearing or an agency FAD remain the same as outlined in the original notice of acceptance.

12. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants can realize many advantages from using ADR. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. If you are interested in using mediation to address the issues raised in the complaint, please contact the ORM Case Manager listed below or the ADR Program Manager at workplaceadr@va.gov.

13. Our fax number is (310) 268-4089. If you have any questions concerning the processing of your complaint, please contact Jose Collazo, Assistant District Manager at 360-759-1608.

Sincerely,



for Sophia Eaves
Pacific District Manager

cc: Jennifer Gutowski, Director, jennifer.gutowski@va.gov
Craig Clayton, EEO Program Manager, craig.clayton@va.gov



Office of Resolution Management

Department of Veterans Affairs

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2017103148

1. If you are not satisfied with the results of the informal EEO process and believe that you have been subjected to discrimination because of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you have the right to file a formal complaint of discrimination. **If you decide to file a formal complaint, you must do so WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**
2. Attached is VA Form 4939, Complaint of Employment Discrimination. If you choose to file a formal complaint at this time, use this form, and carefully read the instructions on the reverse side before completing it. The counselor is available to assist you in filling out this form and to answer any questions you may have about it. If you require assistance, please contact your counselor immediately. **Please note that the 15-calendar day time frame will not be extended due to your need to seek my assistance in completing this form.**
3. You may file a complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

Sophia Eaves, District Manager
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Blvd.
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax: 310-268-4089
Email: ORMPDO4939@va.gov

4. You must identify each claim you are protesting and provide the date on which each occurred. Your complaint must be limited to the claim(s) you discussed with the counselor. Therefore, if there are any claims that you have not discussed with the counselor, you must do so immediately. Regulations require that you provide the Department with an opportunity to resolve each claim informally at EEO counseling.
5. You are entitled to representation at every stage of the complaint process. You may choose anyone as a representative, unless the person occupies a

CONFIDENTIAL DOCUMENT - GENERATED IN THE ORM COMPLAINT AUTOMATED TRACKING SYSTEM
(CATS) - 9-24-2015

000045

position within VA that would create a conflict of interest. If you do select a representative, you must inform this ORM District Office, in writing, of the representative's name, telephone number, and business address.

6. If you are a member of the bargaining unit, you may have the right to dispute the events discussed with the counselor through the union grievance procedure. Regulations provide that you may file either a grievance or an EEO complaint about the events in dispute, but not both. Should you file both, whichever you file first (a union grievance or an EEO complaint) will be considered an election to proceed in that forum.
7. If you are complaining about a matter that may be appealed to the Merit Systems Protection Board (MSPB), you may file an EEO complaint or an MSPB appeal, but not both. Whichever you file first (a formal EEO complaint or an MSPB appeal) will be considered an election to proceed in that forum. If the counselor can be of further assistance to you, please advise.



Office of Resolution Management

Department of Veterans Affairs

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2019101630

1. If you are not satisfied with the results of the informal EEO process and believe that you have been subjected to discrimination because of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you have the right to file a formal complaint of discrimination. **If you decide to file a formal complaint, you must do so WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**
2. Attached is VA Form 4939, Complaint of Employment Discrimination. If you choose to file a formal complaint at this time, use this form, and carefully read the instructions on the reverse side before completing it. The counselor is available to assist you in filling out this form and to answer any questions you may have about it. If you require assistance, please contact your counselor immediately. **Please note that the 15-calendar day time frame will not be extended due to your need to seek my assistance in completing this form.**
3. You may file a complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

**Department of Veterans Affairs
Office of Resolution Management 08H
11301 Wilshire Blvd., Bldg. 220, 2nd Floor
Los Angeles, CA 90073
Attn: Sophia Eaves, District Manager
Fax Number: (310) 268-4089
Email: ORMPDO4939@va.gov**
4. You must identify each claim you are protesting and provide the date on which each occurred. Your complaint must be limited to the claim(s) you discussed with the counselor. Therefore, if there are any claims that you have not discussed with the counselor, you must do so immediately. Regulations require that you provide the Department with an opportunity to resolve each claim informally at EEO counseling.

Page 2.

Notice of Right to File a Discrimination Complaint

Aggrieved Person: Lucretia Henry

Case Number: 200P-0459-2019101630

5. You are entitled to representation at every stage of the complaint process. You may choose anyone as a representative, unless the person occupies a position within VA that would create a conflict of interest. If you do select a representative, you must inform this ORM District Office, in writing, of the representative's name, telephone number, and business address.
6. If you are a member of the bargaining unit, you may have the right to dispute the events discussed with the counselor through the union grievance procedure. Regulations provide that you may file either a grievance or an EEO complaint about the events in dispute, but not both. Should you file both, whichever you file first (a union grievance or an EEO complaint) will be considered an election to proceed in that forum.
7. If you are complaining about a matter that may be appealed to the Merit Systems Protection Board (MSPB), you may file an EEO complaint or an MSPB appeal, but not both. Whichever you file first (a formal EEO complaint or an MSPB appeal) will be considered an election to proceed in that forum. If the counselor can be of further assistance to you, please advise.



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard Building 220, 2nd Floor
Los Angeles, CA 90073

In reply refer to: 08H

September 7, 2017

VIA: Electronic Mail

Lucretia Henry
LUCRETIA.HENRY@VA.GOV

SUBJECT: Notice of Receipt of your Discrimination Complaint No. 200P-0459-2017103148, Filed August 8, 2017

1. This letter acknowledges receipt of your discrimination complaint. The official filing date of your complaint is **August 8, 2017**, based on the date your fax was received. This notice also provides you with written notification of your rights, as well as the time requirements for exercising those rights.

2. If your claims are accepted, your case will be assigned to an impartial investigator under the supervision of the Office of Resolution Management (ORM). The investigator will contact you directly in order to obtain information or evidence you may wish to offer. The investigation must be completed within 180 calendar days of the filing of your complaint. You will be provided with a copy of the investigative file upon completion and you will be advised, in writing, of your right to request a Final Agency Decision (FAD) from the Office of Employment Discrimination Complaint Adjudication (OEDCA), or a hearing by an administrative judge appointed by the Equal Employment Opportunity Commission (EEOC).

3. If the investigation has not been completed within the 180 calendar-day time limit, regulations permit the agency and the complainant to agree, in writing, to extend the investigative period for not more than 90 calendar days. ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek mutual agreement to extend the period so that the investigation can be completed before you seek an EEOC hearing or a final agency decision from OEDCA.

4. You must keep this office advised of any change of address. Failure to do so could lead to dismissal of your complaint. You must also immediately advise this office, in writing, of the name, address, and telephone number of any person you may choose to represent you in this matter. All subsequent actions on your complaint will be mailed or delivered to your representative, with copies to you, unless you advise us in writing that you are no longer represented by that individual.

5. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants

can realize many advantages from using ADR. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. Please see the Mediation Program Information Sheet enclosed. If you are interested in using mediation to address the issues raised in your complaint, please contact the ADR Director at workplaceadr@va.gov.

Sincerely,



Sophia Eaves
Pacific District Manager

Enclosures: Mediation Program Information Sheet
Counselor's Report



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

August 4, 2017

In reply refer to: (08H)

VIA: Email

Lucretia Henry
5080 Likini Street Apt. 818
Honolulu, HI 96818

Dear Ms. Henry:

I am closing the informal counseling on the matter you presented to this office on May 9, 2017, Case Number: 200P-0459-2017103148. Your complaint is as follows:

Bases	Dates of Occurrence & Claims
Race (Black) Color (Black) Reprisal (EEO) Disability (Mental)	Harassment /Hostile Work Environment <ul style="list-style-type: none">May 5, 2017: Received a verbally counseled for not completing a review of one doctors credentials Undetermined Date received information after mediation failed <ul style="list-style-type: none">Co-workers allegedly whisper to each other about the Aggrieved Party (AP)Co-workers allegedly sabotage AP work.Co-workers isolate her like she isn't even thereCo-workers allegedly yell and send mean rude emails to the AP

Upon receipt of this letter please notify me no later than 5 business days whether the above information is incorrect.

I have enclosed a copy of the Notice of Right to File a Discrimination Complaint (including VA Form 4939). At this point, you have two options available to you. To help you make your decision, I have also enclosed a link to the Equal Employment Opportunity Commission's (EEOC) website for an overview of the guidelines on the federal sector EEO complaint process. <http://www.eeoc.gov/federal/>

Please select one of the options below as your final decision:

Option 1: You can choose to file a formal complaint of discrimination on some or all of the claim(s) listed above. If you wish to file a formal complaint, please complete, sign, and date the VA Form 4939; returning the form to the address listed on the *Notice of Right to File a Discrimination Complaint*.

If you decide to file a formal complaint, you have 15 calendar days from receipt of this notice in which to do so. Please do not mail the VA Form 4939 to me; your formal complaint must be mailed to the address listed on the first page of the enclosed *Notice of Right to File a Discrimination Complaint*.


Upon receipt of a formal complaint, the Office of Resolution Management (ORM) will review your complaint and determine if the claim(s)¹ raised meet(s) EEOC's procedural requirements for continued processing.

If your complaint meets procedural requirements and is accepted by ORM for investigation, you will be given the opportunity to submit any documentation in support of your allegations of discrimination to the ORM investigator assigned to investigate your complaint, as part of the process for gathering evidence relevant to the merits of your accepted claim(s). There is no need to provide evidence in support of your claim(s) until notified that your claim(s) is accepted for investigation.

Option 2: You can take no further action, indicating your wish not to pursue the allegations listed above any further.

6. If you have any questions, please contact Karen Creley, EEO Specialist at (888) 566-3982 [Option 1] x 10016.

Sincerely,



Karen Creley
EEO Counselor

Enclosure: Notice of Right to File a Discrimination Complaint
VA Form 4939

¹ A claim is the action(s) the Agency has taken or is taking that causes the aggrieved person to believe s/he is the victim of discrimination for which, if proven, there is a remedy under the federal equal employment statutes. It is important to limit your description of the specific claim(s) to one or two sentences.



Office of Resolution Management

Department of Veterans Affairs

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2017103148

1. If you are not satisfied with the results of the informal EEO process and believe that you have been subjected to discrimination because of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you have the right to file a formal complaint of discrimination. **If you decide to file a formal complaint, you must do so WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**
2. Attached is VA Form 4939, Complaint of Employment Discrimination. If you choose to file a formal complaint at this time, use this form, and carefully read the instructions on the reverse side before completing it. The counselor is available to assist you in filling out this form and to answer any questions you may have about it. If you require assistance, please contact your counselor immediately. **Please note that the 15-calendar day time frame will not be extended due to your need to seek my assistance in completing this form.**
3. You may file a complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

**Sophia Eaves, District Manager
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Blvd.
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax: 310-268-4089
Email: ORMPDO4939@va.gov**
4. You must identify each claim you are protesting and provide the date on which each occurred. Your complaint must be limited to the claim(s) you discussed with the counselor. Therefore, if there are any claims that you have not discussed with the counselor, you must do so immediately. Regulations require that you provide the Department with an opportunity to resolve each claim informally at EEO counseling.

5. You are entitled to representation at every stage of the complaint process. You may choose anyone as a representative, unless the person occupies a

CONFIDENTIAL DOCUMENT – GENERATED IN THE ORM COMPLAINT AUTOMATED TRACKING SYSTEM (CATS) - 9-24-2015

000030

Page 2.

Notice of Right to File a Discrimination Complaint

Aggrieved Person: Lucretia Henry

Case Number: 200P-0459-2017103148

position within VA that would create a conflict of interest. If you do select a representative, you must inform this ORM District Office, in writing, of the representative's name, telephone number, and business address.

6. If you are a member of the bargaining unit, you may have the right to dispute the events discussed with the counselor through the union grievance procedure. Regulations provide that you may file either a grievance or an EEO complaint about the events in dispute, but not both. Should you file both, whichever you file first (a union grievance or an EEO complaint) will be considered an election to proceed in that forum.
7. If you are complaining about a matter that may be appealed to the Merit Systems Protection Board (MSPB), you may file an EEO complaint or an MSPB appeal, but not both. Whichever you file first (a formal EEO complaint or an MSPB appeal) will be considered an election to proceed in that forum. If the counselor can be of further assistance to you, please advise.

Creley, Karen (ORM)

From: Creley, Karen (ORM)
Sent: Friday, August 04, 2017 3:46 PM
To: 'lucretiavb@yahoo.com'
Subject: Notice of Right to File a Formal Complaint
Attachments: 200P-0459-2017103148Tab 5 -NORF CP (Notice) Henry, L.docx

Expires: Wednesday, January 31, 2018 12:00 AM

Good afternoon,

I am attaching the notice of right to file a formal (NORF) complaint package.

To file a formal complaint, you must complete the VA Form 4939 (Complaint of Employment Discrimination) that is attached to this e-mail notice **WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**

You may file a formal complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

District Manager
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Boulevard
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax: (310) 268-4089
E-Mail: ORMPDO4939@va.gov

Please be advised that the claim(s) listed in the notice were the only claim(s) addressed during the informal EEO counseling. If a formal Complaint of Discrimination is filed, a claim that has not been brought to the attention of an EEO counselor and is not like or related to a claim that has been brought to the attention of an EEO counselor is subject to dismissal in accordance with CFR 1614.107(2).

If you have any questions or need additional information regarding the content of this e-mail, you may contact me at (888) 566-3982, Ext.10016.

Creley, Karen (ORM)

From: Creley, Karen (ORM)
Sent: Friday, August 04, 2017 3:46 PM
To: 'lucretiavb@yahoo.com'
Subject: Notice of Right to File a Formal Complaint
Attachments: 200P-0459-2017103148Tab 5 -NORF CP (Notice) Henry, L.docx
Expires: Wednesday, January 31, 2018 12:00 AM

Good afternoon,

I am attaching the notice of right to file a formal (NORF) complaint package.

To file a formal complaint, you must complete the VA Form 4939 (Complaint of Employment Discrimination) that is attached to this e-mail notice **WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**

You may file a formal complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

District Manager
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Boulevard
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax: (310) 268-4089
E-Mail: ORMPDO4939@va.gov

Please be advised that the claim(s) listed in the notice were the only claim(s) addressed during the informal EEO counseling. If a formal Complaint of Discrimination is filed, a claim that has not been brought to the attention of an EEO counselor and is not like or related to a claim that has been brought to the attention of an EEO counselor is subject to dismissal in accordance with CFR 1614.107(2).

If you have any questions or need additional information regarding the content of this e-mail, you may contact me at (888) 566-3982, Ext.10016.

000042



Office of Resolution Management

Department of Veterans Affairs

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Aggrieved Person: Lucretia Henry
Case Number: 200P-0459-2017103148

1. If you are not satisfied with the results of the informal EEO process and believe that you have been subjected to discrimination because of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you have the right to file a formal complaint of discrimination. **If you decide to file a formal complaint, you must do so WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**
 2. Attached is VA Form 4939, Complaint of Employment Discrimination. If you choose to file a formal complaint at this time, use this form, and carefully read the instructions on the reverse side before completing it. The counselor is available to assist you in filling out this form and to answer any questions you may have about it. If you require assistance, please contact your counselor immediately. **Please note that the 15-calendar day time frame will not be extended due to your need to seek my assistance in completing this form.**
 3. You may file a complaint in person, by mail, fax, or e-mail with the District Manager at the address below:

Sophia Eaves, District Manager
Department of Veterans Affairs
Office of Resolution Management (08H)
11301 Wilshire Blvd.
Building 220, 2nd Floor
Los Angeles, CA 90073
Fax: 310-268-4089
Email: ORMPDO4939@va.gov
 4. You must identify each claim you are protesting and provide the date on which each occurred. Your complaint must be limited to the claim(s) you discussed with the counselor. Therefore, if there are any claims that you have not discussed with the counselor, you must do so immediately. Regulations require that you provide the Department with an opportunity to resolve each claim informally at EEO counseling.
 5. You are entitled to representation at every stage of the complaint process. You may choose anyone as a representative, unless the person occupies a
- CONFIDENTIAL DOCUMENT - GENERATED IN THE ORM COMPLAINT AUTOMATED TRACKING SYSTEM
(CATS) - 9-24-2015

000045

Page 2.

Notice of Right to File a Discrimination Complaint

Aggrieved Person: Lucretia Henry

Case Number: 200P-0459-2017103148

position within VA that would create a conflict of interest. If you do select a representative, you must inform this ORM District Office, in writing, of the representative's name, telephone number, and business address.

6. If you are a member of the bargaining unit, you may have the right to dispute the events discussed with the counselor through the union grievance procedure. Regulations provide that you may file either a grievance or an EEO complaint about the events in dispute, but not both. Should you file both, whichever you file first (a union grievance or an EEO complaint) will be considered an election to proceed in that forum.
7. If you are complaining about a matter that may be appealed to the Merit Systems Protection Board (MSPB), you may file an EEO complaint or an MSPB appeal, but not both. Whichever you file first (a formal EEO complaint or an MSPB appeal) will be considered an election to proceed in that forum. If the counselor can be of further assistance to you, please advise.

Complainant Rights

The investigation must be completed within **180** calendar days of filing your complaint. You will receive a copy of the investigative file upon completion. You will be advised, in writing, of your right to request a **Final Agency Decision (FAD)** from the VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) in Washington, DC, or a **hearing** by an administrative judge appointed by the Equal Employment Opportunity Commission (EEOC).

Requesting a Hearing

In order to request a hearing, you must meet the following criteria:

- You have received your completed investigative file **-OR-**
- 180 calendar or more days elapsed since you filed your formal complaint (and you have not received your complete investigative file)

To request that EEOC appoint an administrative judge to hear your complaint, you must complete EEOC's "Hearing Request Form" and send it to:	You must send a copy of your EEOC hearing request to this office:
U.S. Equal Employment Opportunity Commission Los Angeles District Office Roybal Federal Building 255 East Temple Street Los Angeles CA 90012	Department of Veterans Affairs Office of Resolution Management 11301 Wilshire Boulevard, Building 220, 2nd Floor Los Angeles, CA 90073

You are required to certify to the EEOC administrative judge that you sent a copy of the request for a hearing to the Office of Resolution Management at the above address.

Requesting a Final Agency Decision

To request a FAD, you must have received your completed investigative file.

To request a FAD, submit the FAD request form which will be included in your investigation file to:

Department of Veterans Affairs
Office of Resolution Management
11301 Wilshire Boulevard, Building 220, 2nd Floor
Los Angeles, CA 90073

If you request a FAD, it will be rendered by VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) in Washington, DC. The FAD will address all claims, and a decision will be made on the merits of your complaint. You may appeal the FAD to EEOC if you are dissatisfied with the decision. OEDCA will provide you with specific information regarding your appeal rights following its final agency decision, including your right to file a civil action in an appropriate United States District Court.

Requesting Civil Action

If you have not received a copy of the investigative file within 180 calendar days from date you filed your formal complaint, and you do not wish to have a hearing, you also have the right to file a civil action in an appropriate United States District Court. If you file a civil action, the court may, at its discretion and upon your request, appoint an attorney to represent you in the matter, if you do not have or cannot afford one. The court may also authorize the civil action to begin without payment of fees, costs, or other security. Finally, if you decide to file a civil action, you must name **David J. Shulkin, M.D., Secretary of Veterans Affairs** as the defendant.

Requesting ADR

The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints. Agencies and complainants can realize many advantages from using ADR. ADR offers parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. If you are interested in using mediation to address the issues raised in your complaint, please contact the ORM case manager listed in the letter or the ADR program manager at workplaceadr@va.gov.

000060

From: Henry, Lucretia V
To: Dubbs, William F.
Cc: Ebalaroza, Allyson N.
Subject: In This office
Date: Thursday, October 12, 2017 5:29:01 PM
Importance: High

Aloha Dr. Dubbs,

Iris bumped my chair today. I looked back at her to see what may have caused her to bump my chair but saw nothing and she didn't say excuse me as if it may have been an accident.

Due to the tension in this office she should have apologized for bumping my chair.

As I have already shared, I am concerned for my safety in this office.

Yesterday the three of them were discussing races and skin tones of people. Asomua was sharing of her experience at Dr. Hox's 1 year old son's birthday party this past weekend, and was discussing the skin tones of Dr. Hox's family members.

I have asked them not to discuss race in this office but they said they're not stopping and they haven't.

Thanks in Advance,

Lucretia V. Henry, MS, MA

Medical Staff Office

Health System Specialist

Department of Veterans Affairs

459 Patterson Road (11/ Credentialing Office)

Honolulu, Hawaii 96819-1522

Wk#(808) 433-7597

Fax# (808) 433-0399

From: Henry, Lucretia V
To: Watson, Ricky (ORM)
Subject: FW: Missing New Professional Application for INITIAL Clinical Privileges . . .
Date: Monday, October 23, 2017 10:14:13 AM
Importance: High

This is an example of the lead credentialer sabotaging my work because I'm Black and I'm still in a hostile work environment.

From: Henry, Lucretia V
Sent: Monday, October 23, 2017 7:12 AM
To: Amina, Asomuamua L. <Asomuamua.Amina@va.gov>; Hansen-Schmitt, Katrina E. <Katrina.Hansen-Schmitt@va.gov>
Cc: V21HON MSO LIPs <V21HONMSOLIPs@va.gov>
Subject: RE: Missing New Professional Application for INITIAL Clinical Privileges . . .

All of Ms. Balitsky's documents were in her file on Tuesday so I don't know what happened on Wednesday as I wasn't here.

Who took the application out of her PSB file?

I received her documents by email and they were all accounted for I ensured that all documents were in her file before leaving on Tuesday.

Her file is already at the front office since Thursday morning so I didn't need another copy of her application on my desk this morning, but then that's our "team work".

Many Thanks!

From: Amina, Asomuamua L.
Sent: Wednesday, October 18, 2017 9:05 AM
To: Balitsky, Jane <Jane.Balitsky@va.gov>; Hansen-Schmitt, Katrina E. <Katrina.Hansen-Schmitt@va.gov>
Cc: Henry, Lucretia V <Lucretia.Henry@va.gov>; V21HON MSO LIPs <V21HONMSOLIPs@va.gov>
Subject: Missing New Professional Application for INITIAL Clinical Privileges . . .

Aloha Jane: Pardon the inconvenience. In reviewing your file for today's "FPA LIP-APRN Conversion to Clinical Privileges" for the Board at 1000a, the attached required form is missing. Please complete the attached form and scan-eMail back to V21HON MSO LIPs or fax to 808-433-0399 to the MSO *promptly*

Respectfully & Mahalo plenty,

A. L. Amina

Coordinator, Medical Staff Office (MSO)
Spark M. Matsunaga Medical Center

000071

VA Pacific Islands Health Care System
Attn: MSO 11/CP), E-Wing 4C-103C
459 Patterson Road
Honolulu, HI 96819-1522

Facility ID: 459

Office: (808) 433-0905 or/433-7597 (Lucretia)/433-7776 (Irasema)/433-0243 (Santina) **Facsimile:** (808) 433-0399

Email: asomuamua.amina@va.gov

"One heart and one mind . . ."

This document is intended for the exclusive use of the recipient(s) named above. It may contain sensitive information that is protected, privileged, or confidential, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient(s), any dissemination, distribution, or copying is strictly prohibited. If you think you have received this document in error, please notify the sender immediately and destroy the original.

000072

From: Henry, Lucretia V
To: Watson, Ricky (ORM)
Subject: FW: This Morning
Date: Tuesday, October 24, 2017 5:23:04 PM
Importance: High

Aloha Mr. Watson,

These women are working a tag team against me because I'm a black well-educated female veteran., what's the purpose of the "ICARE"?

From: Henry, Lucretia V
Sent: Tuesday, October 24, 2017 2:20 PM
To: Dubbs, William F. <William.Dubbs@va.gov>
Cc: Ebalaroza, Allyson N. <Allyson.Ebalaroza@va.gov>
Subject: This Morning
Importance: High

Aloha Dr. Dubbs,

I started writing this email but was also trying to complete work.

This morning as Asomua was coming in the office, Santana told Asomua that she found a file that was missing the previous cycle of clinical privileges (Dr. Nguyen). Santana proceeded to say that because I'm presently am responsible for Specialty Care providers that Lucretia had to be the one who took the privileges out of the file. Asomua said that the application is also missing. Iris shares her comments of how unprofessional it is that the documents are missing. My thoughts are that they are trying to set up something against me again as they were a few months ago looking for mistakes that I may have made in time past.

Who has that kind of time?

I asked Santana what makes her so sure I took the documents out? I then asked what's the date of the credentialing. Santana said February 2016. I reminded all of them that Kristin didn't assign us specific services until later last year (around August) as Asomua and I were preparing to be out for surgery but as always they don't listen to what I'm saying but talk over me.

Chief manipulator Iris kept saying how crazy it is that the documents are missing.

So the 3 of them were trying to make me feel bad, look bad, and feel guilty but I knew that as long as I've worked here, and being attentive to detail, there's no way I took those documents from that PSB file. What would I be doing with the documents?

In the past when documents were missing we generated another copy, predated it and asked the provider to re-sign for the sake of the file being in compliance but for some strange reason Asomua was on board with Iris and Santana to say Lucretia did this. Asomua even had the nerve to call my name out about it although she said she was talking to everyone (?).

Santina had earlier asked Asomua for a PSB file that Santana had been working on. Asomua assured Santana that Santana had the PSB file. Santana later found the PSB file on her desk.

I have come to believe that the expectation of this office is to ridicule, gossip, sabotog others work

000073

and just be mean because that's the way they treat me. I can't be like them. No matter how much they ridicule me, be annoying towards me (before Santana left she made it known that she was only informing Asomua and Scott of her leaving for the day due to her child being sick because it wasn't anyone else's business (Iris had already gone for the day), try to trigger a negative response from me, I refuse to be like them.

*I want you to know because the false accusations and annoyances effect my work environment. It took a while for me to write this email but it was therapeutic for me to get it out of my system.
Thanks in Advance,*

Lucretia W. Henry, MS, MA

Medical Staff Office

Health System Specialist

Department of Veterans Affairs

459 Patterson Road (11/ Credentialing Office)

Honolulu, Hawaii 96819-1522

Wk#(808) 433-7597

Fax# (808) 433-0399

From: Henry, Lucretia V
To: Watson, Ricky (ORM)
Subject: FW: INITIAL Privileges FULL-TIME Optometry Appointment [cnn].
Date: Friday, October 27, 2017 11:17:07 AM
Importance: High

Aloha Mr. Watson,

This email below is a superb example of a hostile work environment. My co-workers (the lead credentialier (Asomua) and Santina kept this info from me until this morning. They'd known this provider needed to be credentialed since 4 October 17 (almost a month ago). Initial packets normally take at least 2 to 4 weeks to process depending on the response time of the facilities and peers that are asked to verify the information. Our board only meets once per month and that's next Wednesday (1 Nov 17).

Sabotaging my work AGAIN! Because I'm an African American female veteran. Harassment.

Thanks!

From: Henry, Lucretia V
Sent: Friday, October 27, 2017 7:59 AM
To: 'Wahl, Santina A.' <Santina.Wahl@va.gov>; Hallmark, Scott <Scott.Hallmark@va.gov>; Nakasato, Kristin <Kristin.Nakasato@va.gov>; Ryder, Kathryn M. <Kathryn.Ryder@va.gov>; Dubbs, William F. <William.Dubbs@va.gov>
Cc: Ebalaroza, Allyson N. <Allyson.Ebalaroza@va.gov>
Subject: RE: INITIAL Privileges FULL-TIME Optometry Appointment [cnn].
Importance: High

Aloha Santina,

As stated you stated below, "we received word from HR about this provider on 5 Oct 2017 " and you're sharing this info with me today (27 Oct 17, a Friday) that this provider is to be presented next Wednesday (1 Nov 17)?

You shared that you started his file, which I can't see because I don't access to his file... yet...

You shared that "he cannot see patients unless it's complete. He was privileged in July 2017. Almost 120 days ago so we have to restart packet as initial. I started it for you since Board is Next Wednesday"

Credentialing him as an "initial" provider from another facility which means I can do anything with his vetpro until I'm granted access from his parent facility. His documents are coming to your email according to the email below so if you don't share his document with me timely (as you did with this info that he's being presented next week) his file may not be complete for the meeting next week.

Interesting ...

Why did you add leadership to this email?

000075

**DEPARTMENT OF
VETERANS AFFAIRS**

Memorandum

VA Pacific Islands Health Care System

Date: September 7, 2017

To: Department of Labor

Subj: Lucretia Henry

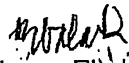
I am the Employee Relations Specialist for the Department of Veterans Affairs Pacific Islands Health Care System (VAPIHCS). The purpose of this memorandum is to confirm that Lucretia Henry, an employee of the VAPIHCS currently has an EEO complaint filed for a hostile work environment that initially started as a grievance with the local affiliated Union (NAGE/SEIU). The SEIU Agreement states that "Complaints of discrimination are excluded from the grievance procedure". Therefore, Ms. Henry's decision to pursue the EEO complaint voids any Union Grievance regarding hostile work environment.

On 07 December 2015, Ms. Henry filed a grievance with the NAGE/SEIU Representative (Howard Naong) regarding her Performance Evaluation rating. The Grievance was processed at Step 2 which sustained the original rating. Ms. Henry proceeded with filing an EEO complaint regarding the rating that resulted in an EEO Mediation (which I attended with the Chief of Staff) favorable to Ms. Henry.

From March 2017 to current, I have consulted with Ms. Henry to discuss options for improving her working conditions. I confirm that during these meeting, Ms. Henry informed me of a continued hostile working environment created by her co-workers. After many attempts at team building and mediation with the Federal Mediation and Conciliatory Services representative (Carol Catanzaritti), Ms. Henry was not satisfied with any results and continued to feel that her working conditions were not acceptable. During this time, Ms. Henry also sought mental health attention and spiritual consultation from her church.

After receiving many concerns from both Ms. Henry and other staff in the unit, Management decided to conduct a Fact-Finding investigation (dated June 14, 2017) regarding the working conditions and other conduct-related issues. The findings were not substantiated, but Management did acknowledge that there were many perceptions and is currently working on a follow-up plan to improve attendance and communication.

If there should be any questions or concerns regarding my statement, please contact me at (808) 433-0188 or Allyson.Ebalaroza@va.gov


Allyson Ebalaroza
ER/LR Specialist

**DEPARTMENT OF
VETERANS AFFAIRS**

Memorandum

VA Pacific Islands Health Care System

Date: August 30, 2017

To: Department of Labor

Subj: Lucretia Henry

I am the Deputy Designated Learning Officer (DLO) Education Service and former Acting Equal Employment Opportunity (EEO) Manager for the VA Pacific Islands Health Care System (VAPIHCS). The purpose of this memorandum is to confirm that Lucretia Henry, an employee of the VAPIHCS first contacted me May 2015 and continued to confer with or email me regarding many various work related issues as well as what she perceived to be a hostile work environment through December 2016. She filed a union grievance through HRMS in January 2016 and filed an informal EEO complaint on March 11, 2016 regarding her performance appraisal based on race and color. This specific complaint was dismissed, however, Ms. Henry added additional claims in support of a hostile work environment prior to filing a formal EEO claim. I am personally unaware of the outcome because a permanent EEO manager was hired in December 2016.

Jacquelyn K. Sturdivant
194291

Digitally signed by Jacquelyn K. Sturdivant, DN: cn=Jacquelyn K. Sturdivant, o=VA, ou=VA, email=jacquelyn.k.sturdivant@va.gov, c=US

Jacquelyn Sturdivant
Deputy DLO, Education Service

**DEPARTMENT OF
VETERANS AFFAIRS**

Memorandum

VA Pacific Islands Health Care System


Date: August 25, 2017

To: Department of Labor

Subj: Lucretia Henry

I am the Equal Employment Opportunity (EEO) Manager for the VA Pacific Islands Health Care System (VAPIHCS). The purpose of this memorandum is to confirm that Lucretia Henry, an employee of the VAPIHCS currently has an EEO complaint filed for a hostile work environment.

On 29 December 2016, Ms. Henry contacted me in reference to what she perceived to be a hostile working environment. She went on to file an EEO complaint that is currently in the judgment/founding phase by the Department of Veterans Affairs. Over the course of the past few months she has been absent from work due to working conditions that have rendered her unable to perform her duties. She has taken sick leave in order to attend medical appointments to get mental health assistance and other treatment.


James A. Elston Jr.
EEO Manager



Women's Health Clinic
Department of Veterans Affairs
Pacific Island Health Care System
Spark M. Matsunaga Medical Center
459 Patterson Road
Honolulu, HI 96819
1-800-214-1306

August 30, 2017

To whom it may concern:

Ms. Lucretia Henry has been my patient since 2014. I am her primary care physician at the Women's Clinic in VA Honolulu. In the last year, she has shared with me that she had increased stress from her working relationships with her co-workers. In the last few months, Ms. Henry had several visits which we discussed her stress affecting her mental health. Ms. Henry was seen on August 22, 2017 for vertigo. I have recommended Ms. Henry to have continue counseling on a weekly or bi-weekly basis to help her treat her mental health related to stress at work.

Please call us if any question at 433-0472.

A handwritten signature in cursive script, appearing to read "Lily Li".

Mary L. Li, MD
Internal Medicine

Lily Li MD
VA Ambulatory Care Clinic
Department of Veterans Affairs

000403

Henry, Lucretia V

From: Henry, Lucretia V
Sent: Friday, September 08, 2017 7:27 AM
To: Watson, Ricky (ORM); Dubbs, William F.
Cc: Ryder, Kathryn M.; Gutowski, Jennifer S.; Ebalaroza, Allyson N.; Dung, Kristopher K.
Subject: Catfight???

Importance: High

Tracking:	Recipient	Read
	Watson, Ricky (ORM)	Read: 9/8/2017 7:27 AM
	Dubbs, William F.	Read: 9/11/2017 9:57 AM
	Ryder, Kathryn M.	
	Gutowski, Jennifer S.	
	Ebalaroza, Allyson N.	Read: 9/13/2017 10:06 AM
	Dung, Kristopher K.	
	'lucretiavb@yahoo.com'	
	Robin Sherrod	
	rsherrod01@hotmail.com	

Aloha Dr. Dubbs,

Yesterday before leaving the office Santana mentioned there being a "catfight" today between iris and I because of the emails from yesterday where I was sharing with Iris about a mistake she'd made that could have affected the facility. I thought of it as a teaching moment but we know that iris don't even talk to me muchless wants to be corrected by me but as "acting lead" while Asomua is out, I have this responsibility among other added responsibilities.

I have previously shared that I'm concerned about my safety in this office and I'm sharing it again now. These women cover for each other in everything so if something were to happen they would attempt to make me look like guilty party, they did it in all of the mediations because they met before the mediations to compare notes with each other. They don't think they need help.

I am concerned about my safety in this office. Every time I've corrected Iris about anything Asomua always retaliates against me an it's by bullying me with my work load or looking for mistakes I made about a year ago or more concerning a file. The last time the mistake wasn't my mistake it was Santana's and it was obvious as I analyzed the file which is why Asomua suggested that I rush and correct the error.

I had another vertigo episode last night due to the stress of this office. The last one was on 19 August 2017, before that I had not had one since 2012. As medical professionals we know that stress wears on the body and the mind which is why I'm presently a mental patient.

Yet I'm still working in these hostile conditions because I'm black. When Asomua and Iris were caught yelling and "going off" on Santana the situation was addressed promptly. The 5 or 6 mediation sessions we sat through did not work because everyone was not honest.

Saying this office is not a hostile work environment doesn't change it from being one.

Asking who's at fault of the hostile work environment I found to be a very interesting question and I guess my honest answer that it's both management and my co-workers in the office rather than just saying my co-workers made a big difference for a negative result.

I don't know what's in store for today other than me checking in with my physician about the vertigo episode and getting my work done for today as I know this email is deaf ears.

Thanks in Advance,

Lucretia V. Henry, MS, MA

Medical Staff Office

Health System Specialist

Department of Veterans Affairs

459 Patterson Road (11/ Credentialing Office)

Honolulu, Hawaii 96819-1522

Wk#(808) 433-7597

Fax# (808) 433-0399

V. Relief (Please see attached Right to File

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Front / Back Pay from non-selection to GS 11 (August 2016 to Present) \$40,000

Emotional Distress and Anxiety (Left in Hostile Work Environment) \$300,000

Leave and no pay due to mental health appts due to emotional distress \$17,000

Lawyer consultation fees \$2,870

Emotional Distress on Continued Non-Selection \$60,000

Total Compensation \$419,870

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11 Feb, 2020.

Signature of Plaintiff

Printed Name of Plaintiff

Lucretia Velvet Henry

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

UNCLASSIFIED // FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

Case Activity Summary	
Case Number: 00001-2019-MPC208	
Seq. Number: 25	
Tab Name: 2019/01/25	
Date, Time, and Participant	Summary of Case Activity

35
2019/01/25 1539
Walker, Raymond Paul
00:01 Journal

On 20190125, at 1539, CIV Henry, L. notified the Fort Shafter Military Police Station that someone tampered with her gas gap. Patrol 2-4 (SPC Moore) was dispatched to Oceanside E wing parking lot. Patrol 2-4 made contact with CIV Henry. Investigation revealed that an unknown person by unknown means opened the gas tank of CIV Henry Red in color GMC. All patrols cleared.

SWORN STATEMENT

For use of this form, see AR 150-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE:

To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES:

Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE:

Disclosure of your SSN and other information is voluntary.

1. LOCATION

TAMC OCEANSIDE PARKING

2. DATE (YYYYMMDD)

2019 01 25

3. TIME

1517

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

HENRY, LUCRETIA VELVET

6. SSN

255 25 7107

7. GRADE/STATUS

GS-9

8. ORGANIZATION OR ADDRESS

DEPARTMENT OF VETERANS AFFAIRS, TAMC

9.

Lucretia V. Henry

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I came out to my car to go home for the day and saw my gas cover open. I've learned to check around my car from when I was forced to work in a hostile work environment with a few (3) juvenile thinking women. One of them once mentioned my car being tampered with at which time I noticed my gas cover being open a few times. This led me to purchase a "lockable" gas cover/cap. I've also noticed that someone has put white marks on my car. I reported this also but the MP said I should not have moved my car after I saw it, but should have reported it before leaving. The women I mentioned were allowed by my leadership at the VA to harass me + expose me to a hostile environment for over (2) years. Their names are Asomahinda and Iris Duarte and Santina.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

LVH

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF HENRY, LUCRETIA V.

TAKEN AT

TAMC, OCEANSIDE

DATED

20190125

9. STATEMENT (Continued)

Q: We went through mediation (6) sessions but Iris Duarte told one of the counselors that she chose not to agree to get along. This was about 1 1/2 years ago (March 2017).

A: As a result of a court case the VA finally moved me to another department.

Q: SPC MOORE

A: GSA HENRY

Q: IS THERE ANY NEW DAMAGE TO YOUR VEHICLE?

A: Gas cap / cover removed

Q: WAS ANYTHING TAKEN FROM YOUR VEHICLE?

A: Not that I noticed yet

Q: DID YOU SEE ANYONE VANDALIZE YOUR VEHICLE?

A: No, but some people talked about previously (Ms. Arina, Iris Duarte, + Samina Wahl.)

Q: DO YOU HAVE ANYTHING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT?

A: My cases have been reopened and they had to make statements (Assume Arina and Iris Duarte) in reference to these cases so it seems the harassment may have started again.

Q: DO YOU HAVE ANYTHING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT?

A: No. END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF HENRY, LUCRETIA V. TAKEN AT TAMC, OCEANSIDE DATED 2019 01 25

9. STATEMENT (Continued)

AFFIDAVIT

I, Lucretia V. Henry, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of JANUARY, 2019 at TAMC OCEANSIDE PARKING

[Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SPC MOORE TREVOR B.

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ARTICLE 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT 1108

PAGE 3 OF 3 PAGES